



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor**

February 23, 2015, 9:00 a.m.

S.B. No. 513: RELATING TO UNAUTHORIZED ENTRY INTO MOTOR VEHICLE

Chair Keith-Agaran and Members of the Committee:

This measure will make the offense of unauthorized entry into motor vehicle subject to repeat offender sentencing, which mandates the court to impose a sentence of imprisonment, without the possibility of probation and requires a mandatory minimum term of imprisonment.

We oppose this measure.

We have a prison overcrowding problem. All of our facilities in Hawaii are operating way above capacity. The Justice Reinvention Initiative was created by this legislature to address this problem, among others. Mandatory prison sentences have a direct impact on the prison population. Larger states such California, have begun to repeal some of their mandatory prison statues, as they had the effect of swelling their prison population, which required them to release individuals convicted of more serious crimes that were not repeat offenders or had either completed their mandatory minimum terms of imprisonment or were not sentenced as such. This measure may have the unintended consequence of forcing the Department of Public Safety to release someone convicted of a crime much more serious than unauthorized entry into motor vehicle in order to house a defendant sentenced to serve a mandatory minimum term of imprisonment after being convicted of the aforementioned offense. Mandatory minimum terms of imprisonment have been shown to be less effective at reducing recidivism than identifying and releasing inmates with the greatest potential for success, to rehabilitation and offender reentry programs.

The Office of the Public Defender opposes S.B. No. 513. Thank you for the opportunity to be heard on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **LM-SH**

February 23, 2015

The Honorable Gilbert S.C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: Senate Bill No. 513, Relating to Unauthorized Entry Into Motor Vehicle

I am Lisa Mann, Captain of District 6 (Waikiki) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 513, which would add unauthorized entry into motor vehicle in the first degree to the offenses currently listed under section 706-606.5 of the Hawaii Revised Statutes requiring a mandatory minimum period of imprisonment for repeat offenders.

The department supports mandatory sentencing as a deterrent against persons previously convicted of a felony from committing further offenses. Most first-time offenders do not serve extended jail terms for various reasons, one of which is judicial discretion in sentencing. The implementation of mandatory minimum imprisonment due to a prior felony conviction would take away this discretion and deter convicted felons from becoming repeat offenders.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink that reads "Louis M. Kealoha".

Louis M. Kealoha
Chief of Police

Sincerely,

A handwritten signature in black ink that reads "Lisa Mann".

Lisa Mann, Captain
District 6

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB513 on Feb 23, 2015 09:00AM
Date: Friday, February 20, 2015 2:04:59 PM

SB513

Submitted on: 2/20/2015

Testimony for JDL on Feb 23, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Cates	Individual	Support	No

Comments: Aloha Honorable Chair Keith-Agaran and Members of the Senate Committee on Judiciary and Labor, Although UEMV is considered a low-level, non-violent crime, it is a crime that negatively impacts a large population of the public, both residents and tourists alike. Many victims are left with the burden of replacing car windows or punched door locks on top of the loss of their possessions. Any person with prior conviction(s) of UEMV in the first degree should be swiftly sentenced to a mandatory incarceration period. The public deserves laws that adequately protect us against repeat offenders who choose to continuously violate our property rights. Please pass SB513. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB513 on Feb 23, 2015 09:00AM
Date: Saturday, February 21, 2015 10:48:36 AM

SB513

Submitted on: 2/21/2015

Testimony for JDL on Feb 23, 2015 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kuliaikanu'u Petzoldt	Individual	Support	No

Comments: I support mandatory minimum sentences for repeat offenders who break into motor vehicles, it is clearly a problem on Oahu where I live and should be addressed.

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